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*Published in:*

Threats and phantoms of organised crime, corruption and terrorism

*Publication date:*

2004

[Link to publication in Tilburg University Research Portal](#)

*Citation for published version (APA):*

van Duyne, P. C. (2004). The creation of a threat image: media, policy making and organised crime. In P. C. van Duyne, M. Jager, K. V. Lampe, & J. L. Newell (Eds.), *Threats and phantoms of organised crime, corruption and terrorism* (pp. 21-51). (Colloquium Reeks; No. 4). Wolf Legal Publishers (WLP).

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# **The creation of a threat image**

## **Media, policy making and organised crime**

Petrus C. Van Duyne<sup>1</sup>

### **Perception and stimuli competition**

There is a strong similarity between the functioning of the media and the adage of the English philosopher Berkeley: ‘to be is being perceived’ or ‘*esse est percipi*’. This subjective approach to being and knowledge has been commented upon ever since (Warnock, 1969). Apart from the philosophical controversy around the nature of knowledge and reality, perceptions determine the social and psychological reality to which we respond. This is a truism, but an important one, because it leads us to the role of the senses, which cannot be neglected if we intend to describe the social reality in which we live and interact. This does not only apply to the individual, but equally to a whole community, which is likewise dependent on ‘eyes and ears’ through which the stimuli of ‘reality’ enter the collective awareness.

Given the simple fact that we can only observe a small slice of reality, a significant part of the daily perceptions are determined by other ‘eyes and ears’, particularly the press and the television. They determine to a large extent what will be perceived, though not directly. The individual senses differ from the public eyes and ears, because the latter deliver impressions, which still have to be ‘bought’ by the end users, the public. This usually entails a highly

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competitive selection process with a loss of much information simply because of limits in space and time. Moreover, if the individual human has a (protective) capacity to prevent impressions to 'enter' the conscience, impressions handed to him by other actors stand an even higher chance of being neglected or actively filtered out. In addition to this, there is a multitude of impression or news offering 'public eyes and ears' from which to choose.

The potential large stock of 'news', a limited space in terms of paper and time and the natural selectivity of the news consumers force the 'news maker' to ask himself daily: 'Will my selection of news reach a sufficient number of consumers?' The answer may be determined by a mixture of his hypothetical image of his news consumers and their feedback in terms of their buying behaviour. The latter is itself determined by what psychologists call the stimulus sensitivity: strong and crude news stimuli penetrate stronger and stimulate better purchasing behaviour than subtle ones. After all, *Bin Laden* sells better than a recently detected *Rembrandt*.

Within this rough and well-known framework, not intended as a summary of a social psychological theory of the news media, I will describe the interaction between the media, the agencies of law enforcement (police and public prosecution) and policy makers concerning the phenomenon of organised crime. I will focus on the recent history in the Netherlands, when from about 1986 till 1993 interested parties made every effort to get the stimulus 'organised crime' well above the awareness level of political decision makers and the public. In 1993/94 a scandal about improper police methods broke out, which changed the until that moment describable interactions into a different psychological climate with a hotch-potch of heated accusations, denunciations and suspicions.

## **The media seduction of organised crime**

Crime, particularly its more violent manifestations, is a stimulus with a high seductive value to make one shiver and thrill. The organised variety of crime guarantees even more excitement and sensation, for which reasons it has a higher seductive potential. This is not merely an abstract proposition, but something which in a very tangible way directs and maintains the media attention. The seduction also applies to the harbinger of the organised crime news items: he is almost always assured of media attention.

Even if this interaction is centuries-old, it remains fascinating to observe how this mutual seduction hardly ever fails to be effective in creating

long lasting collective memories. The Medieval monks duly copied Bede's description of the Great Army (*micel here*; Blair, 1970) of the many thousands of Vikings, who threatened the North-sea coasts, while the tonnage of the small draggers did not even have the transport capacity for such an achievement. Another example is William the Taciturn, who in his apology accused Philip II of Spain of having killed his feeble minded son. This has entered the history as the 'black legend'. Given this ancient 'news building', it would have been almost a miracle if the reporting of the organised crime issue would have been carried out with the cool eye of a hypothetical 'clinical' observer and processed by a critical audience.

A short review of the recording history of organised crime in the USA reveals a fascinating interaction between the media, law enforcement agencies and the public, which does not differ much from the historical examples mentioned above. The successive committees on organised crime, either convened by the Congress or the presidents Nixon, Johnson and Reagan, were publicity feasts, creating vivid memories of the Cosa Nostra (Abadinsky, 1991; Von Lampe, 1999, 2001). Important for the 'image building' was the testimony of the organised crime figure Valachi, which made history indeed. This lower rank soldier of a New York mafia-family, who could hardly look over the fence of his own neighbourhood, received exorbitant attention. He was considered the man 'who really knew' and every word he spoke obtained the aura of authority.<sup>2</sup> In particular the saga of the so-called 'Castellammarese War' in 1931 has acquired an authentic place in history. In this 'war', in which the old mafia boss Maranzano had his rival Masseria killed, after which he was eliminated himself by the more modern thinking Luciano and his associates, some 40 other old style mafia figures would have been slain. Nelli (1976) sifted through all the news papers of September, October and November of that year and found only three related liquidations in New York. It is uncertain whether this refutation also got a place in the organised crime history and was subsequently 'perceived' by the public opinion. Two years after this publication the *New York Times* still mentioned the historical 'fact' of the Castellammarese war.

More recently Russian organised crime has obtained a high level news value. Its strength and extent (in the mid-1990s some 8.000 criminal organizations have been recorded), as well as its supposed threat to Europe and

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<sup>2</sup> The following situation was characteristic for the awe with which he was approached. Senator Curtis asked him about the organised crime in Omaha. Valachi turned to the official next to him and whispered something. Everybody thought that the question touched a sensitive point, for which he needed consultation. As a matter of fact he asked: 'Where the hell is Ohama?'

the USA has been enlarged upon. The journalist Claire Sterling topped this threat by describing an even more sinister scenario: an alliance between the Russian and Italian mafia, which has been decided during a 'top summit' at Prague in 1992. 'Delegates' of the two organised crime syndicates would have agreed upon a kind of '*pax mafiosa*', which was revealed by the Head of Interpol a year later at a police conference in Aruba (Sterling, 1994). It was a thrilling revelation, which is widely believed. However, Williams (1997) provided well founded reasons for the absurdity of this proposition: what is the meaning of 'delegation' with such fragmented and mutually warring criminal organizations; who would speak and act on whose behalf? Such a nuancing is relatively powerless to the evoked image of the spine-chilling threat of a world wide octopus of evil, even if (some of) the producers of such news were aware of its falsity (Rawlinson, 1998). As Rosner (1995) formulated it earlier: Russian organised crime is sexy and people prefer to hold on to the gruesome image. A fact based moderating adjustment of such a threat image fall flat or is explicitly resented and resisted.<sup>3</sup>

Though these observations do not apply to all those involved and under all circumstances, the seductiveness of the organised crime theme enhances the likelihood of keeping or raising the awareness by making the phenomenon more creepy. On this point the agendas of the politicians, law enforcement agencies and the media converge. Their shared interest is a *big* social and law enforcement problem. One may call them interested 'problem owners'. On the one hand there are the law enforcement problem owners, who –like every owner– cherish their possession while they tend to enlarge it, certainly not silently. On the other hand there are the media, which have an interest in selling newsworthy, i.e. exciting stimuli. This natural interaction around a shared interest will be elaborated in the next sections.

## **To seduce and being seduced**

The previous section indicated briefly the formation of the image of organised

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<sup>3</sup> The author experienced a similar persistence in untrue reports, when during the mid-1990s a press report mentioned that the 'Russian mafia' or all kinds of shady Russians were busy with the acquisition of numerous expensive houses in London and South England. Directly inquiring with the National Crime Intelligence Service the author was assured that the purchases were mainly in the lower price ranges. The question whether this report would be corrected evoked the snappy answer: 'Certainly not'.

crime in the USA. Also in Europe the police, public prosecution and the media put the supposed phenomenon of organised crime as a *threat* image on the political agenda. This happened notably in Germany, the Netherlands, subsequently in the UK and then the Council of Europe and the European Union. In the first two countries this happened in the course of the 1980s. During this phase the initiative was taken by a few worried police chiefs, whose warnings were met by disbelief. Hence they set themselves the clear task of convincing the higher echelons of the police, public prosecution, policy makers and the politicians of the looming threat coming from organised crime against the society. Subsequently, in the Netherlands as well as in Germany, the media played an important role in conveying the intended perception to the public and the political arena.<sup>4</sup>

In the Netherlands the debate on organised crime unfolded somewhat later than in Germany. It was first mentioned in the year 1985 in a policy paper of the ministry of Justice, '*Society and crime*', which was about frequently occurring common crime. A small section was devoted to the importance of attacking wholesale drug trafficking. Another creator of the organised crime problem was professor Fijnaut, who on the one hand stated that we did not know anything about this phenomenon, but on the other hand warned against its immanent threat (Fijnaut, 1985; 1989). His warnings found little response at that time.

Under the influence of the prosecutor-general, Gonsalves, and the Amsterdam police force this would change. Gonsalves, a determined crime-fighter, became in 1987 the chairman of the 'task group Gonsalves', which had to deal with 'serious, organised crime'. This task group established a working group 'Crime Analysis', which got the task to make a quantitative national overview of the phenomenon. This task was carried out in 1988 by the National Detective Information Service, which sent the local Crime Analysis Units a questionnaire. In these questionnaires the officers had to rate the crime groups in their districts according to a number of distinctive features, usually based on *soft* information. According to the response there would be some 200 crime organizations, three of which were rated as 'highly organised'. The methodology and the presentation of the organised crime picture were very

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<sup>4</sup> The German debate on organised crime started in 1973. The peaks of the media coverage went parallel with the debate in the police forces, later followed by some investigative journalists, like Behr (1985) and Lindlau (1987). According to Von Lampe (2002) the media also followed the contents of the police representation of the problem, which contained some degree of mafia connotations, until the BKA definition of organised crime dropped the classical mafia feature of a criminal hierarchy, like capos, dons and the like. This may have been less attractive to sell as 'news' and the media continued their 'mafia track'.

contestable.<sup>5</sup> However, a debate on the merits of this survey could not unfold as the report remained classified, though the contents and conclusions were immediately leaked to the media and broadcasted at prime time in the 8 o'clock news.<sup>6</sup> The tone was clearly set: we do have a really big organised crime problem in the Netherlands, against which firm action has to be taken.<sup>7</sup> The tone was amplified by the police as well as by two investigative journalists. One journalist was permitted by Gonsalves –against the will of public prosecutors of the organised crime units– to snoop around in the criminal files of Turkish heroin wholesalers (Van der Roer, 1989). The focus of attention of the other journalist as well as of the Amsterdam police was the then Dutch 'Mr. Big', *Bruinsma*. This was a well-educated intelligent crime-entrepreneur, who succeeded with brains and violence in conquering a dominating place in the hash market (Middelburg, 1992). The Amsterdam organised crime unit produced impressive organization chart of this crime-entrepreneur, which were presented to numerous top-brass of the police and public prosecution as well as to parliamentarians. As a matter of fact these presentations contained a number of errors, which were known to the police at that time. For a sharing of 'knowledge' this misinformation was not considered objectionable.

This elaboration does not support Fijnaut's claim that the media did not seriously respond to the issue of organised crime (Fijnaut et al., 1996). The point at stake was whether there was a sufficiently developed *collective* threat image that could be translated into a desired policy approach. The road to such an approach is usually long, though the initial impetus was already given. For example, in 1987 the report about the *Financial Aspects of Serious Crime* had been issued, in which proposals were made to recover the profits of crime. In addition, the (erstwhile) chief inspector of the Amsterdam police force saw his dream come true with the establishment of an inter-district detective unit of 60-90 officers, which had the prime target of bringing the organised crime figure

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<sup>5</sup> As a matter of fact, the number of 200 concerned the number of returned questionnaires, which were subsequently presented as crime-groups, which were then associatively elevated to organised crime.

<sup>6</sup> It was not 'really' leaked as the chairman condoned the conveying of the findings to the media. This was against the opinion of one of his senior prosecutors, who was the chairwoman of the working group crime analysis during six years. In a conversation with the author she qualified this 'leaking' as misleading, an opinion she also voiced in an interview with the newspaper *NRC-Handelsblad*, November, 3, 1993. That was to no avail.

<sup>7</sup> For the Research and Documentation Centre of the Ministry of Justice this course of action was embarrassing. It was said that 'The Research Unit of the police has won this battle' and has 'appropriated this issue'.

Bruinsma to justice.<sup>8</sup>

Obviously, the police did not only want money and large organised crime units: many detectives hoped for some spectacular incident, which would induce the public opinion and parliament to pressure for more investigative powers. From this perspective the notorious kidnapping and murder of the brother of one of the captains of industry at that time had a disappointing ending. 'If that had been carried out by an organization instead of a psychopath, we would have got everything (investigative powers) in the cupboard', was a complaint uttered to the author in the Amsterdam CID.

The seduction of the police towards the policy makers, the media and the politics did bear fruit. The attention for organised crime increased, a result to which also the tireless activities of Fijnaut contributed much. For example, he organised the 'Dutch-American Conference on Organised Crime' in 1990, an event which he himself proclaimed a 'watershed' in the way of thinking about organised crime (Fijnaut and Jacobs, 1991). Nevertheless, irrespective of the contents of this thinking or the nature of the seduction, there was still no clear idea of what 'organised crime' was supposed to mean. The concept of organised crime was (and still is) obscure (Van Duyne, 1996; Klerks, 2000; von Lampe, 2001; Paoli, 2002), which did not prevent the developing of political driving power to put the organised crime menace on the agenda of politicians and policy makers and to alert the public.

In connection to this drive the working formula for the public prosecution and the police to set up special units was '*heavy/organised*' crime, the word 'heavy' denoting the crime committed by the traditional violent underworld, which was also the orientation of the media. This would not remain without consequence: organised *business* crime would only receive attention as *organised* crime when there was an involvement of 'heavy' criminals, the 'usual suspects' from the underworld.

If the time span till 1991 can be characterized as the era of seduction, in which strong measures were taken to arouse attention for this phenomenon, after the killing of Mr. Big Bruinsma there was no longer any need for seduction. The public attention had obtained the required impetus of its own and would reach extraordinary dimensions during the following two years. Brants and Brants (1996) described 1993 as the climax of this development. After January 1994 the interaction concerning the presentation of the organised crime image became obfuscated due to an affair between police units and the

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<sup>8</sup> Using the traditional police methods of surveying and telephone tapping the unit instead of a more analytical financial approach, the unit performed little. The problem was solved by the underworld itself: Bruinsma was killed summer 1991.



police commissioners of Amsterdam and Utrecht, the so-called IRT-affair. There were suspicions, jealousy and denunciations between the commissioners, the minister of Justice and Internal Affairs, the chief public prosecutor of Amsterdam and the police, until the orgy of organizational and personal fights led to the dissolution of the special organised crime unit and a Parliamentary investigation. The elaboration in the following sections will therefore end with the onset of this affair. It will be based on the press documents of the Ministry of Justice.

It should be noted that the number of persons involved in the creation of the image of organised crime was actually very small: just a handful of reporters who 'sniffed around' everywhere to find out whether there were there were interesting, 'nice' stories. Also the number of officials was not large, even if it became slightly larger over the years. A small number of scholars formed the third party in this ever more intriguing interaction.

## **The creation of a threat image**

Interesting, newsworthy stories do not necessary lead to a contribution in policy making in the fight against crime. To achieve there must be a *threat*, a big one, to the society to get all the parties involved in the same direction and to overcome resistance. The 'heavy' crimes, which are committed in an organised way, may be serious, but still fail to arouse a real, *experienced* threat. To evoke such an experience a fictitious border must be crossed: the border between upperworld and underworld. However, in this regard there is a chronic shortage of facts: very few organised crime *underworld* figures are actually spotted in the upperworld. As far as the Netherlands are concerned this state of affairs has not changed (Van Duyne, 2003).

Fortunately there proved to be an almost literally 'golden' key to make the threat story plausible after all: the *big crime-money*. Despite the absence of organised crime figures having intruded or being about to penetrate into the upperworld, the problem-owners could refer to the assumed financial strength of organised crime. As most people know little about finances and financial manipulations are shrouded in mystery, the image of wealthy criminals corrupting greedy politicians and other untrustworthy high mighty people strongly appeals to the imagination and facilitates the creation of the threat image. Thus it happened. Whereas the 1987 report on the recovery of the criminal profits was based on the legal principle of the *restoration of justice*, the gathering moral 'panic' about the 'march of organised crime' to the

upperworld was based on sheer hypothetical numbers. The *Financial Action Task Force on Money-laundering*, established in 1989, played a key role in fanning this scare. In its report, issued in 1990, the FATF described the threatening situation the (industrialized) world faced. The turnover of the worldwide drug trade was estimated at \$ 300 billion of which \$ 85 billion would be available for money-laundering in the USA and Europe. Just note the subjunctive 'would be', which was soon interpreted as 'is'. A year later the consultancy firm *McKinsey*, not having any experience on the field of crime and law enforcement, reported about the safety situation in the Netherlands. The report estimated that the Dutch turnover of the drug trade, arms trade and illegal gambling would amount to 10 billion Dutch guilders (€ 4,5 billion).<sup>9</sup> Though the foundations of what became accepted as 'facts' was shamefully poor, the *Leitmotiv* was set and the media would time and again go back to it. The initial amounts of crime-money would obtain its own inflation and increase to \$ 500 billion in 1997 (UNDCP-report). Obviously, with such staggering amounts of financial ammunition available to 'highly sophisticated' criminals, the threat image was clear: the 'organised crime marches to the upperworld' against which the forces of law enforcement had to wage a (preventive) battle (Heijder and Horbeek, 1991).

One can say that all the conditions for a further development of a threat were met: there was an interpretation framework, there were problem-owners and there were criminal 'data', which fitted within or could be constructed to fit within this framework. In addition there were the 'public eyes and ears', which were more than willing to make all this observable to a greedy and credulous public. It was the right chemic, which in the time span between 1991 and 1994 could lead to a heated atmosphere, in which a number of clear focusses of interest can be discerned. The first focus of interest concerned the already mentioned menace to the upperworld posed by organised crime. The second one was the relative impotence of the police and public prosecution to do something against this menace. The third focus concerned the 'mobilisation of the forces' of the police and the criminal justice system to win this 'war'.

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<sup>9</sup> This is an interesting example of the 'myth of 10': the minister of Justice claimed that of every Dutch ten guilders one would be criminally tainted, the FATF estimated that 10% of the drugs transports is intercepted and that the business costs of the drug trade is 10%. This number, which is just as cogency as the Old Testament number of 40, was seriously taken as a starting point for policy making (Van Duyne, 1994,1993). As far as I could determine, the 10% interception rate was first mentioned in the 1930s, to be repeated ever since.

## The threat image of the underworld

The image of the threatening underworld was reinforced in 1991/92 by a number of incidents. In the first place a new confidential national organised crime survey report was –in an orchestrated way– again leaked to the press in September 1991. The methodology was again invalid and the conveyed image of the organised crime situation misleading. The organised crime situation would be much worse than in 1988: in that year there would be 200 organised crime groups, in 1991 the number had increased to 599. Though this was a case of intentional misinformation and manipulation, which was admitted a year later<sup>10</sup>, the false representation had its desired impact. In the parliamentary debate on the 1992 justice budget the Second Chamber passed a motion requesting the Minister to draft a policy plan on organised crime. The Minister responded to this motion by establishing a departmental task group, which had to draft a broad plan of action. When this task group proved unsuccessful, due to lack of expertise, the head of the Directorate of Crime Prevention, professor Van Dijk, was requested to perform this task. Informed by the police, mainly from cases which were still under investigation and which contained much soft information, the director succeeded in finalizing a draft policy paper in the early summer of 1992. To the dismay of the two responsible Ministers of Justice and Internal Affairs the draft paper leaked also to the press in June 1992.

In the first six months of this year there was only one news paper article about the ‘grasp’ of the (organised) crime on the economic system. After the leak of the memo of the ‘top civil servant’ a wave of ‘grasp-on-the-upper-world’ articles followed. This was reinforced by the annual report of the Central Detective Service of the police, which under the headlines ‘Organised crime thrived in 1991’ or ‘Heavy crime succeeds due to police failures’, got sufficient media attention. A development of an autonomous mutual reinforcement had started.

The shocking events in Italy added fuel to the political fire. The murders of the judges Falcone and Borsellino in the summer of 1992 was followed by a Europe-wide fear of the Mafia ‘crossing the Alps’. According to

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<sup>10</sup> This was admitted by the police commissioner of the Inter District organised Crime Squat: ‘The number of 599 has been mentioned to attract political as well as societal attention to this problem’ . . . ‘While using the figure of ‘599’ all kinds of overlapping criminal cases have been counted as fully fledged organisations’. This admission of a leading police officer of twisting the facts in such an important policy area achieved only a tiny little article in an inside page of the local paper *Utrechts Nieuwsblad* (December 16, 1992)

a classified (and leaked) report of the Bundeskriminalamt there were Mafia connections in Southern Germany, particularly in the pizzeria businesses. Bold headlines in the Dutch papers stated that 'the Mafia has no borders', a warning seriously adopted by some professors of criminology: Fijnaut, Schmid and Van Dijk wrote about the worrisome situation or conveyed the great concern in oral presentations. In September the quality news paper *NRC/Handelsblad* let loose in clear headlines: 'Ministers observe infiltration of the Mafia in the Netherlands', 'Cabinet sees crime surfacing in the legal economy' and 'Of every ten guilder one is criminally tainted'. The later 'observation' of criminologist and director Van Dijk that 'not the Mafia but the Camorra is active in the Netherlands' was a small 'expert' correction, but not a great comfort (*NRC/Handelsblad*, 26 September). Two weeks later the popular *Telegraaf* mentioned that the 'Justice professor proclaims the hunt on 'drug dollars' in trade and industry', in which Van Dijk referred to the dubious investigations of the FATF and the flimsy report of McKinsey. Even darker clouds were depicted by the Schmid in his inaugural lecture at Erasmus University, September 1992 (Schmid, 1992). He depicted the combination of evil coming from the Mafia, Japan, South American cartels and, the newest threat, the criminal hordes from the Russian steppes. Against this background it did not make much impression that the Central Detective Service repeated its observation that the Mafia appeared to be unknown in the Netherlands.

In 1993 the media fire about organised crime in the Netherlands and its menace to the underworld was fanned now and again. It was telling that the 8 o'clock news added a new icon when an item concerned Dutch organised crime was broadcasted: a pistol with the bullet-riddled Dutch flag, imitating an earlier symbol denoting the Italian Mafia. Focus was again on the 'grab of organised crime for the underworld'. First of all the catering business, as far as the pubs were concerned, was declared to be in the grasp of crime (*Telegraaf*, April 24, 1993). Later the Catering Association and some chief commissioner confirmed this image and stated that it applied to the whole sector: 'Crime in all sections of the catering business' and not only in pubs and snack bars (*Algemeen Dagblad*, June 5, 1993). About this time in a closed meeting with young lawyers, the 'Justice professor' Van Dijk mentioned the existence of a list of the Central Detective Service, which contained 'at least ten shady barristers'. Against all agreements this message was published (*NRC-Handelsblad*, May, 7, 1993). A storm of protest from the Bar impelled the minister of Justice to reprimand publicly his top civil servant, who happened to be absent for a few days. It is doubtful whether this public rebuke could

correct the reinforce image of the ‘organised crime infiltration’.<sup>11</sup>

If the supposed handful of louche barristers raised already panic, the Amsterdam chief commissioner struck even more forcefully home while stating in a television interview that ‘also within political parties’ wrong relationships [with organised crime] are feared, though he did not want to become specific. It *could* concern a Turk, who *might* be available for the Party for Labour for a local representative body, which *could* become vulnerable to penetration by the ‘Mafia’ or its Turkish variety. Afterwards a conservative liberal was mentioned.<sup>12</sup> This news coverage caused a mixture of concern and indignation. The Second Chamber demanded in high tones chapter and verse. Van Dijk (1993) warned again solemnly that ‘the Netherlands are sliding towards an Italian order’ (*Trouw*, November, 2, 1993), but fortunately the minister could declare that as far as the Second Chamber was concerned there was nothing wrong: ‘Minister: the Chamber is Mafia-free’ (*Telegraaf*, November 2, 1993).

Even if in this case one could speak of the fanning of a fierce but short ‘media fire’, which was characteristic of the atmosphere of the time, the image of the threat of our financial institutions re-appeared regularly and is also still alive today. Given the dynamics of the crime-economy this is understandable. Crime trade turns around the illegal money, which must be placed or invested somewhere, if it is not directly consumed on ‘daily needs’. For that matter the regularly appearing money-laundering cases are quite predictable and generate time and again news coverage. The threat image which this yielded can best be summarized by the headline in the *Utrecht Nieuwsblad*: ‘Society is becoming a junk of crime-capital’ (May, 21, 1993). Also the stock market would be ‘attractive to criminals’, as was illustrated in the fall of 1993 by a small and only seemingly successful Amsterdam stockbroker’s firm, which appeared to have attracted crime-money for investment. As a matter of fact, it proved to be

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<sup>11</sup> Van Dijk had extracted this information in good faith from the crime-analysis of the Central Detective Service of 1991. In the questionnaire the crime-analysts had indicated whether the described crime group ‘had connections’ with juridical professionals. The response was based on soft information and a national score of ten ‘shady barristers’ (even if based on hard information) can hardly be considered worrying.

<sup>12</sup> The chief commissioner’s remark was a complete blunder. As a matter of fact, during the author’s investigation he and an inspector came across a barrister, who had a certain role in the management of enormous amounts of suspect moneys. Locally he was an important member of the liberal-conservative party. The chief commissioner could not have known about this case, as the two of us were the only persons informed. The top brass of the police became nervous and rank and file detectives were asked ‘whether they happen to know other cases’. Finally, by referring to this barrister the inspector could save his boss, who could underpin his irresponsible statements after all (*De Volkskrant*, November 2, 1993).

a costly financial adventure: the broker made the wrong assessments of the stock exchange trends and went bankrupt, destroying more crime-money than he laundered. The unfortunate intermediary was found dead in a burnt car. Thus far this is one of the few substantiated examples of interest from crime-entrepreneurs for the stock exchange.<sup>13</sup>

## The investigative picture

A threat image can lose its intensity and persuasiveness if it is not reinforced by new facts and revelations. In addition, law enforcement successes are important to make clear that ‘we are winning the war’: ‘trophies’ have to be shown to the people. In this regard some concern developed in 1990/91, because the biggest anti-organised crime investment thus far, the 60-90 detectives of the inter-district crime squad (nicknamed the ‘bunker team’ because of its social isolation), did not yield the desired results. The mentioned prime target, hash wholesaler Bruinsma, was not taken in and made a mockery of the police enterprise. Within the unit the detectives complained that they could not ‘score’. The depression within the unit did not diminish, when in the summer of 1991 its target was eliminated by four bullets of a fellow criminal instead of by the law. As a matter of fact, the murder resulted in a kind of identity crisis within the squad: it lost its *raison d’être*, while new criminal targets, which could meet the criminal criteria of the inter-district squad, did not present themselves. A large XTC case brought some temporary relief.<sup>14</sup> The identity crisis was subsequently solved by selecting the Bruinsma’s ‘second man’ as investigative target. He was supposed to lead the so-called ‘*Delta-organization*’. Afterwards it proved to be a fateful decision: in the unsuccessful chase of this ‘Delta-organisation’ secretive, ‘shady’ investigative operations were applied, resulting January 1994 in its disbandment and subsequent scandal, as referred to in the second section.<sup>15</sup>

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<sup>13</sup> The author came across some (soft) information about one large investment portfolio (Van Duyne, 1995). Nevertheless, some crime-entrepreneurs do buy stocks and bonds, but the volume is very modest and concerns conservative investments, similar to most of the private buyers of shares (Van Duyne, 2003).

<sup>14</sup> The case, described in Van Duyne (1996) as the *United Pill Peddlers*, was big indeed, but would also be handled by the Belgian police, because of the paper trails of the purchase and transit of precursors and the required false invoices.

<sup>15</sup> After some time the political pressure resulted in the resignation of the Ministers of Justice and Interior and a Parliamentary Investigation. In a second prosecution the alleged leader of the ‘Delta organization’ was acquitted.

Bruinsma (and his heirs) was not the only target of the organised crime units. All police districts had made 'organised crime' a top priority issue and many 'heavy/organised crime squads' rounded up crime-organisations, mainly in the drug trafficking business. Apart from the regular arrests of Turkish heroin wholesalers, a special task unit of the Hague police arrested one of the most violent hash wholesalers.<sup>16</sup> In February 1992 the above mentioned *United Pill Peddlers* were rounded up. With a turnover of € 135 million and a net profit of € 45 million they were considered the largest XTC traders ever arrested. Somewhat later the large investments in the catering business of a hash smuggler trailer gang was unravelled. The investigation revealed a € 4,5 million investment in renown restaurants and pubs, which added to the image of 'the catering business in the grasp of organised crime'.

Despite these regular successes, no *public image* of success was created. The crime-trade continued as usual. This was explained by the assumption that above every arrested criminal organiser, there was an even bigger one, who simply continued the trade, while himself remaining in the shadow. The representation of the crime-trade as a *flat and cluttered delta* did not get adopted (Van Duyne, et al. 1990). Instead a *hierarchical delta* was assumed, which was reflected in the representation of the above mentioned ghostly 'Delta-organization'. This image, but particularly the vast amounts of crime-money, which was supposed to be invested in the upperworld (reinforced by the FATF report) kept the image of the 'infiltration' of organised crime in trade and industry alive.

This image was not very susceptible for corrections based on available evidence. The data of the criminal files of the United Pill Peddlers or the investing gypsies mentioned above showed that their upperworld investments were smaller than reported in the press. As a matter of fact the investments were shallow, unprofessional and loss-making, a finding which hardly affected the prevailing image.<sup>17</sup> The simple reason for this omission was that this information did not reach the 'media senses': the police and the public prosecution did not bring it to the attention. And even if these facts were known, the reporters were busy with other news items and did not have the

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<sup>16</sup> Described in Van Duyne 1996 as 'Boris Batterbrain'.

<sup>17</sup> The United Pill Peddlers' attempted investment in used East German railway wagons (€ 2,25 million) was not realized, because the lot was not assigned; a sex lingerie boutique was loss-making. In the end the remaining investments were: two large sheds for cacao storage in Amsterdam, a Greek lemonade factory (value unknown) and an Indonesian holiday park for divers. Total value: € 2,04 million. The investment of the gypsies in the catering business was described by an independent accountant as a loss-making 'toy for the gentlemen' (Van Duyne, 1997).

interest nor 'editorial space' for such nuancing. More editorial space was devoted to some sensational escapes from prison (among others of one of the leading Colombian cartel members Londoño, January 1992); the many prosecutorial technicalities and mistakes by the public prosecution during the trial of the United Pill Peddlers; the complaint of the head of the Central Detective Service that 'the fight against organised crime hardly gets started' or the mishap of the Dutch Telecom, which failed to include in its '\*21' forwarding system a provision to tap the connected telephone number. This was not interpreted as a management failure, but as evidence that 'criminals are outsmarting the police' (*Volkskrant*, July, 11, 1992). A year later the head of the Central Detective Service complained again that 'it will certainly take three years before the police will be able to turn the tide' [of organised crime], a remark which contradicted other more optimistic views in the same interview.

## **Mobilisation**

Amidst all the news coverage about the 'marching of organised crime', reports were made about the efforts of the police and the public prosecution to stem this 'advance'. This does not only concern the exploits of the inter-district organised crime squad (against Bruinsma and his heirs), but rather the various announcements like 'The police unifies against big crime' (*Volkskrant*, February 17, 1992), proclamations which have been repeated in the Netherlands as well as abroad. A first token of the 'closing of the ranks' is the decision of the police forces of the big cities in the west of the Netherlands (Amsterdam, Rotterdam and The Hague) to unite in 'one front', which would later become layed down in a memo called the '*Randstadnotitie*'. Following the mafia-killings of the two Italian judges also a 'ruthless EU-offensive' against the Mafia was proclaimed. After these proclamations and some attention for the establishment of the new institution EUROPOL, it remained quiet for a while, at any rate in the media. Meanwhile the preparations for the extension of inter-district organised crime squads progressed steadily.

In February 1993 the first of a series of 'super police' and 'tough approach' reports was published (*Telegraaf*, February, 20, 1993). The coming into force of the Law on the Recovery of Proceeds (nicknamed the Pluck-them law), spring 1993, provided additional material to underline the 'tough approach'. The Amsterdam police force invented an approach of its own in the form of so-called a 'harassment team' to sour the lives of the high level criminals: clamping down on every little transgression they committed



(*Telegraaf*, March, 6, 1993). Whether this genius brainwave made any impact on the crime-market, history does not tell. All we know are the police raids on the exchange offices (operation *Golden Calf*), which were broadcasted live on television. Actually, this was a ‘harassment’ to the (usually silently operating) Fiscal Police in the first place, who were unwillingly dragged into the show. Otherwise the success remained limited to the prosecution of the less important criminals, the actual money-changers. However, due to a too hasty drive for visible success the money-trail to the really important depositors of the many millions of Euros could not be followed.

Apart from this side show for the media (and the Amsterdam commissioner’s ego), the implementation of a new coherent law enforcement approach proved to be a matter of the organisationally patience of a saint, which reinforced the image of the impotence of the police: ‘Plans for combating crime hardly executed’ (*Het Parool*, June 7, 1993). This does not mean that the top echelons of the police had lost its fighting spirit. During a police conference of 130 countries October 1993 on the Caribbean island Aruba (also much favoured by criminals and their launderers), the three chief commissioners of Amsterdam, The Hague and Rotterdam told the interviewer of the *Telegraaf* of ‘giving a deathblow to the big mafia-like organisations in our country’. Two weeks later the minister of Justice repeated, somewhat more subtle, but in a similar bellicose tone to ‘deliver the decisive battle . . . for the control of our society’. In the same month the prosecutor-general Gonsalves stated that ‘the whole society has to be mobilised for a kind of ‘Deltaplan’ against organised crime, which is advancing in high speed (*AD*, October 23, 1993).<sup>18</sup>

It looks like an irony of history that at the time of Gonsalves’ reflexions on his ‘deltaplans’ against organised crime, another ‘delta’, namely the alleged Delta crime-organisation and the responsible crime-squad would turn the whole criminal policy and the law enforcement agencies involved into the previously mentioned mudflow of quarrels and imputations (Middelburg and Van Es, 1994).

## Policy making and image building

The previous sections described how a small number of leading officers of the

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<sup>18</sup> The term ‘Deltaplan’ means originally the large system of dikes in the Zeeland estuaries against the danger of large scale inundations, as happened in February 1953. Figuratively it can mean a huge (defensive) work against a some social wrong. Apparently the prosecutor-general used to think in terms of ‘delta-dimensions’.

police, the public prosecution, the ministry of Justice and reporters and editors in the media kept the issue of organised crime in the public attention, set the tone and saw to it that the drive wheel kept momentum and weight. As happens so often with social forces, the driving wheel obtained its own acceleration and angle of orientation, pushing everything aside which did not fit into its course.

As remarked above, the basic orientation was already indicated by the commission Gonsalves in 1987. It fitted in the rough mental image of The Organised Crime, as a matter of fact encompassing all ‘heavy’ crime committed by the illiterate lower class ‘underworld’ figures, with all the usual connotations of primitive *brute violence*, *corruption* and other *heinous* actions (Van Duyne, 1994; 1996). Large scale economic business crime was not felt to be a part of this scene.<sup>19</sup> To what extent this perspective of ‘Heavy Crime’ directed the media-senses became clear, when the author cooperated in two television programmes. The first concerned the ‘increasing’ rate of criminal ‘settlements’: the mutual liquidations in the milieu. My view that violence in the crime trade as a ‘business tool’ is rude and unpractical, generating evidence and informants, and that it indicates rather weak than strong organizations, was cut out, because the editors thought it ‘too scholarly’. It would not fit in an entertaining programme on organised crime. At the second occasion, a *Nova* broadcast intended to show ‘how serious the situation is’, I pointed at the multi billion business of organised VAT and excise fraud schemes. This did not fit in their representation of seriousness. The assistant had to consult his editor, then phoned again several times, desperately urging me every time stronger to mention ‘more serious cases’ than the merely multi billion organised business crime. ‘*Is there really nothing more serious?*’ In the end the whole news item was cancelled (fall, 1992).

The political reception of the previously mentioned organised crime memorandum of the Ministers of Justice and Internal Affairs, presented to the Second Chamber in September 1992, illustrates the social psychological climate, which had developed at that time. In the opinion of the conservative Liberal and Christian parties the ministers did not go far enough. Only the Democrats and the Socialist Party showed some reserves concerning the required extension of the investigative powers of the police. This restraint did

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<sup>19</sup> In this regard it may be considered remarkable that the multi billion scam of the criminal duo Parretti and Fiorini, who operated in the Netherlands with two corporations quoted on the stock exchange, only received the silent attention of the Dutch Central Bank. That did not prevent them from acquiring a large interest in cinemas, skimming the Bank Crédit Lyonnais Neerlandais for billions of guilders, before going bankrupt in the megalomaniac plans in the American film industry (d’Aubert, 1993). No prosecutor ever considered an investigation by an organised crime squad.

not last long. In the following six months the reserves had changed completely to the opposite. The debate of the permanent Chamber Commission for Justice at March, 23, 1993, which the author attended, made a heated and excited impression. As a matter of fact it was a sorrow display of little knowledge and much simplistic screaming-headlines-thinking: 'the organised crime is marching and so is corruption, society is being threatened' and similar exclamations dominated the debate. In the general call for a tough approach the Social Democratic Party even excelled the conservative Liberals, which led to the concerned reaction of a liberal spokesman, that 'there is the danger that the Socialists overreact and that it is our turn to pull the brake', because the rights and freedoms of the citizens are being jeopardized (*Het Parool*, March, 23, 1993).<sup>20</sup> Hence, the memorandum, (a 'weak piece', over which 'heavy crime is not going to lose any sleep') did not go far enough and the minister of Justice –who was in the opinion of his civil servants already a bit too energetic– was urged to do even more.

It is not surprising that among policy makers in the ministry of Justice there was hardly any susceptibility left for other, deviating perspectives. The only empirical research project carried out thus far, approaching organised crime from the angle of *crime-entrepreneurs*, did not fit into the created atmosphere of threat images (Van Duyne et al. 1990). Comments on the flaws in the alleged professionalism of crime-entrepreneurs or the need to develop a criminal market policy fell on deaf ears compared to the emphasis on the threatening advance of the Mafia made by mainstream scholars (Fijnaut et al., 1996). At first there was the fear for the open borders between the so-called Schengen-countries (1992). At a conference in Maastricht Fijnaut announced that he had 'indications that the Mafia attempted to take over power in Western Europe'. Though the Mafia did not arrive, this image remained in the public conscience. After the killings of Falcone and Borsellino, he repeated his warnings: the Mafia was already in Belgium, near Liège and it was a matter of time before she would cross the rivers (Fijnaut, 1993). The similar apocalyptic mood, was expressed by Schmid (1992), warning against all sorts of Russian criminal hordes.

September 1992 at a symposium on organised crime at the Erasmus University, Rotterdam, the author gave a presentation of the history of the organised crime image building, which he compared with the way mutually copying monks created the image of the 'big' Viking invasions during the ninth

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<sup>20</sup> In the Dutch political relationships their roles are usually inverse: the Liberals use to stress law and order, favouring more police powers, while the Socialists show more restraints.

and tenth century. This lecture was published as a news paper article beginning December 1992 with a cartoon of the threatening Viking longships (Van Duyne, 1993). Only three years later did I learn the reaction which this publication evoked, when one of the directors of the ministry conveyed to me that ‘of course we do not talk with you anymore when you publish such an article after our memorandum’. Open-mindedness to other opinions or holding a debate on matters of contents concerning this high priority subject had actually stopped and had yielded to a form of group-think, which sets clear boundaries to the mental horizon of policy makers and politicians. The eyes and ears of the media, policy making and politics were tightly directed to the one socially correct direction and produced only one common perception of seriousness. Most mainstream scholars carefully remained within this socially accepted framework.

## **The long shadows of an image**

Historical ‘insight’ is hindsight. With what hindsight should we evaluate the interaction between the media, policy making and the politics? The finding that this issue with such a high degree of stimulus value has been very liable to steering and manipulation cannot be considered a real revelation: that would be the case if the opposite would hold true. However, not all the players in the field were intentionally steering the media. I never established a systematic steering or even something like a mutual tuning between the actors at policy making level. Their clumsiness of later dealings with the media during another little scandal makes such an assumption very implausible. At the level of the police there was a clear manipulation in the sense that the reports about the organised crime situation clearly violated the truth. Truthfulness had been replaced by purposiveness, aimed at continuously putting the organised crime issue on the political agenda, silencing all classical civil rights objections against the demand for more investigative powers, repressive legislation and money.<sup>21</sup> A conservative Liberal member of the Second Chamber, Korthals (later to become Minister of Justice), remarked that the political brakes against the increasing power of justice (police and public prosecution) were clearly worn through. Few felt that way and even fewer dared to express such feelings.

The aims of the agencies of law enforcement have been reached. The

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<sup>21</sup> In an interview with the author Van Dijk remembered that the police presentations were characterized by an ‘atmosphere of national menace in which one is easily considered a collaborator [of organised crime], a kind of quisling’.

legislation against organised crime gained momentum and critical comments on the increase of the state power are rarely heard of. Even when the legislation goes step by step into the direction of the reversal of the onus of proof, politicians as well as scholars appear to accept this development in a resigned mood. This is particularly the case in the area of money-laundering (Schalken, 1999; Van Duyne and Van der Landen, 1999), more accurately criminal financial management, recently enriched by terrorist financing (Levy, 2003).

Though the Mafia and other organised crime scares have abated in the media for the time being, the law enforcement agencies and politicians still beat the same drum nationally as well as in the international fora. At Tampere (Finland, 1998) the European Council of elevated organised crime to a European priority, while at the level of the United Nations 'great steps forward' have been made by the convention against organised crime, which was ceremoniously and with much parrot-like rhetoric adopted in December 2000 at Palermo. These events do not imply that the threat image has faded away. As a matter of fact, the new attribute 'transnational' has been added and accepted by the UN as a new threat: *transnational* organised crime. Given the simple economic circumstance that since time immemorial the traffic of most illegal commodities implies the crossing of border, it is difficult to understand the added value of the adjective 'transnational'. Nevertheless, an elaborate official policy making theatre developed around this new fuzzy concept, being proclaimed a new threat, which found its countermeasure in the UN Convention against Transnational Organised Crime in 1999, defined in art. 3 (Mitsilegas, 2003; Shepticky, 2003).

Also in the area of money-laundering the FATF still succeeds in evoking the 'fear' of a criminal infiltration of the financial upperworld and its ensuing corruption. It should be noted that this 'fear' is a highly artificial and ritual matter, having nothing to do with any existentially experienced fear or observed states of affairs. These old FATF threat images continue to function as the mantras of prayer mills and have in that capacity more impact on the legislator than any knowledge of facts and figures. Nevertheless this mumbling of the money-laundering mantras seems to be sufficient to overcome any resistance against proposals for tighter regulations against the 'menace' of laundering. In the previous section I mentioned already that the anti-laundering laws tend to reverse the onus of proof, while in the cases of a *reflexive* application they have technically already crossed the line of self-incrimination (Van Duyne, 2003), which appears to be taken for granted.

More than fifteen years have passed since the onset, or rather the orchestration of the organised crime scare in the Netherlands as well as in other countries of the EU. To what extent was this fanning of fear (the police call this

‘raising the awareness’) justified by the facts which were known or the reports that were available *at that time* and which parts of the threat thesis have been proven correct? Summarizing the findings of the empirical research projects in Europe since 1988, we have to come to the following conclusion:

1. there was at that time no empirical foundation for the *intensity* of the threat image;
2. hardly any component of the threat image appeared to be valid.

The landscape of the crime-entrepreneurs was and still is a flat, shifty network-shaped trading ‘delta’ of prohibited services and goods or licit services and goods offered cheaply due to fraud and deceit. That has been the main picture in Western Europe even since. Paoli (2002) argues that this concerns mainly *commercial*, trading types of organised crime, while the consolidated organised crime groups (like in Italy) have achieved a high degree of permanence due to their reliance on non-economic ties, for example familial bondage or ethnic relationships. The permanency of these groups does not necessarily imply a dominance of the illegal markets or a menace beyond their original reach. If these mafia-like groups enter the prohibited substances markets, they have to operate under similar constraints as the more flexible and ephemeral commercial entrepreneurial organizations, operating in flexible networks. This picture of flexible network organisations was already made public by the German research in 1988 (Rebscher and Vahlenkamp, 1988) and by the first and second research projects of the Dutch ministry of Justice (Van Duyne, 1990; 1995), to be confirmed (or rather, represented as ‘new’) by later research of the same ministry (Kleemans et al., 1998). Also the dreaded infiltration or penetration of the underworld into the upperworld due to the amassed crime-moneys yields the same picture as fifteen years ago. Despite all the investigations and the clear demonstrations that the illegal markets generate staggering profits, any *strategic* criminal economic planning and conduct have not been uncovered (Van Duyne, 1997, 2003). Even in such favoured economic areas as catering and real estate, the investment of crime-moneys (after laundering) does not reflect an economic strategy or far reaching aims to obtain a social and economic bridgehead in society (Van Duyne, 2003).<sup>22</sup> In short: even if the existence of large amounts of crime-money and the wealth of some successful crime-entrepreneurs is morally embarrassing, evidence of its menacing disruptive and corruptive impact in the industrialized world is scarce

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<sup>22</sup> This cannot be said of some of the production countries of drugs, like Turkey, Morocco or Colombia. The return money of the drug sales did contribute to some economic changes, which were not all favourable to the economic and social stability of the receiving countries (De Mas, 2001; Verbeek, 2001).

and usually restricted to (organised) *business* crime-entrepreneurs. However, in these fraud cases the angle of attention shifts to the upperworld and its materialistic values, which appears to have much in common with the underworld. It should be noted that *all* the big corruption cases in Western Europe in the last twenty years concerned licit moneys from legal, respectable corporations (like Agusta, Dassault) to leading political figures. However, that is not a threat image, but a *sickness* image. This sickness may attract the media attention for a while, as scandals have a good selling potential as well, but the interactive mechanism to create a continuous moral panic and to maintain the momentum of a law enforcement warlike pressure lacks an important component: the elite itself.

## Conclusion

This article began with the thesis that ‘to be is being observed’ and the importance of the ‘public eyes and ears’ in this regard. This is no revolutionary revelation. More important than this ‘old truth’ is the point of abusing the generated fear to increase the powers of state and to erode the willingness to weigh the requirement of ‘organised crime’ reduction against the maintenance of civil rights. This is not very new either. The history of the development of the awareness making of organised crime in America reveals a similar fear mongering, though mixed with national characteristics like xenophobia and outright racism. No public figure and only a few scholars dared to challenge the prevalent representation of the organised crime image, leading to what Woodiwiss (2001) called the ‘dumbing’ of the discourse. The history of the drug prohibition policy shows the same pattern of generating fear by fraud and deceit for legislative purposes right from the beginning of the anti-drug policy (Courtwright, 1982; Bruun, 1975).<sup>23</sup> This recurrent pattern does not make the pernicious consequences less grave. As a matter of fact, the long shadows of the threat images still make themselves felt, even if Europe has not come in the grasp of the Mafia and the Russian criminal hordes did not arrive. These ‘visible’ images have been reinforced by the image of an even more creepy,

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<sup>23</sup> In its report to the Senate (1910) the special commission raised the impression of a real drug epidemic, with estimates of 1.000.000 drug addicts, though Courtwright (1982, p. 29) demonstrated that the most plausible estimate was around 100.000 between 1919 and 1940. The rapporteurs appeared to be well aware of this false representation. Once taken for true, the imaginary figures continued to scare legislators into action. It would not be the last fraud in the drug policy portfolio: the marijuana scare (the ‘killer weed’) was equally based on deception (Himmelstein, 1983).

because stealthy, infiltration of the big crime-money, which requires new legislative inroads to keep society safe against organised crime. Given the attitude and zeal of the interested law enforcement agencies, like the *Financial Intelligence Units*, this carry-over of the original menace to a derivative can be considered an understandable, rational organizational policy, which may not be too worrying. What is worrying, however, is the relative docility of jurists and politicians, still under the long shadow of the old organised crime images, insensitive to the more detailed and differentiated empirical findings or even displaying plain arrogance (Naylor, 1997).<sup>24</sup> This may lead to a biased policy development without proper counterweights.

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<sup>24</sup> Naylor refers to the reaction of a senior UN officer, responsible for the original laundering estimates, whose was queries critically about its accuracy. Embarrassed he insisted in the end that the figure of \$ 500 million dollars was useful for capturing the public attention.



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